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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:21-cr-00104-IM-1

v.

**GOVERNMENT’S SENTENCING
MEMORANDUM**

RODRIGO DIAZ-LOPEZ,

Defendant.

Introduction

Defendant Rodrigo Diaz-Lopez acted as a sub-distributor for a Mexico-based drug trafficking organization (DTO) to distribute fentanyl, heroin, and methamphetamine. This conduct allowed a Mexico-based drug trafficking organization to profit from the sale of drugs in Oregon and other markets in the United States. The government agrees with the guideline calculation and criminal history computation as outlined in the PSR, prior to any other

reductions. As a result, the government will recommend a 135-month sentence of imprisonment to be followed by five years of supervised release and a \$100 fee assessment.

I. FACTUAL BACKGROUND

A. The Offense Conduct

In January 2021, the Drug Enforcement Administration (DEA) conducted a long-term investigation into a Mexico-based DTO. At the direction of a law enforcement, a confidential source ordered and received 480 gross grams of methamphetamine from defendant. A wiretap investigation revealed that defendant was a sub-distributor of the DTO.

On March 12, 2021, investigators executed a search warrant at defendant's residence. Investigators seized 2.4 gross kilograms of methamphetamine, 1.97 gross kilograms of heroin, and 3.8 gross kilograms of counterfeit oxycodone pills containing fentanyl. Investigators also seized approximately \$30,000 in cash, an assault-style rifle, a handgun, and ammunition.

B. The Charges

Defendant was charged with a three-count indictment, which included count three that charged defendant with possession with intent to distribute heroin in a quantity exceeding one kilogram, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(i). On February 21, 2023, defendant pleaded guilty to count three. The government will move to dismiss remaining counts.

C. The Plea Agreement & Guideline Computations

Defendant agreed to plead guilty to count three, and in exchange the government will, subject to the limitations set forth in the agreement, recommend that defendant receive a three-level reduction for acceptance of responsibility. Defendant agrees not to seek a sentence below the mandatory minimum of ten years imprisonment.

II. GOVERNMENT'S RECOMMENDED SENTENCE

Distribution of fentanyl, methamphetamine, and heroin in the quantities that defendant possessed it is a serious crime. Drug trafficking organizations profit from addiction and the human suffering that accompanies it. Defendant's distribution of drugs profited both himself and the DTO. Further, defendant's possession of two firearms, including an assault rifle, increased the risk of danger his drug trafficking activity presented to the community.

Additionally, this is not defendant's first conviction for distributing controlled substances. This case will be defendant's fourth conviction for distributing controlled substances in Oregon. Despite a thirty year history of distributing controlled substances and repeated removals, defendant returned again to Oregon to distribute fentanyl, heroin and methamphetamine. A 135-month sentence of imprisonment is warranted given his aggravated prior criminal history and serious offense conduct.

III. CONCLUSION

Based on the foregoing, the government recommends the Court impose a sentence of 135 months imprisonment, followed by a five-year term of supervised release, subject to the conditions in the PSR, and a \$100 fee assessment.

Dated: May 19, 2023

Respectfully submitted,

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/s/ Andrew T. Ho

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